

1 IRELL & MANELLA LLP
2 Andra Barmash Greene (123931)
3 agreene@irell.com
4 A. Matthew Ashley (198235)
5 mashley@irell.com
6 Justin N. Owens (254733)
7 jowens@irell.com
8 840 Newport Center Drive, Suite 400
9 Newport Beach, California 92660-6324
10 Telephone: (949) 760-0991
11 Facsimile: (949) 760-5200

12 Attorneys for Defendant

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN FRANCISCO**

16 JACOB SABATINO, individually, and on) Case No. 3:15-cv-00363-JST
17 behalf of all others similarly situated,)
18)
19 Plaintiffs,) **DECLARATION OF ABHAY VARDHAN**
20) **IN SUPPORT OF UBER'S MOTION TO**
21) **STAY PROCEEDINGS PENDING**
22) **ARBITRATION**
23)
24 vs.)
25)
26 UBER TECHNOLOGIES, INC., a Delaware) Date: May 21, 2015
27 corporation; RASIER, LLC, a Delaware) Time: 2:00 p.m.
28 limited liability company; RASIER-CA, LLC,) Judge: Hon. Jon S. Tigar
29 a Delaware limited liability company;) Place San Francisco Courthouse
30 RASIER-DC, LLC, a Delaware limited) Courtroom 9, 19th Floor
31 liability company; RASIER-PA, LLC, a) 450 Golden Gate Ave.
32 Delaware limited liability company; and DOES) San Francisco, CA 94102
33 1 to 25, inclusive,)
34)
35 Defendants.)

1 I, Abhay Vardhan, hereby declare as follows:

2 1. I am over the age of 18 and I submit this declaration in support of
3 Defendant's Motion to Stay Proceedings Pending Arbitration. I have personal knowledge of each
4 fact stated in this declaration and, if called as a witness, I could and would competently and
5 truthfully testify thereto.

6 2. I am an Engineering Manager at Uber Technologies, Inc. My responsibilities
7 include designing, developing and maintaining the rider website sign up procedure.

8 3. Uber was founded in 2009 in San Francisco, California. Uber develops and
9 licenses the Uber App that members of the public can use to request transportation services from
10 independent, third-party transportation providers in their local area. Rasier, LLC, Rasier-CA,
11 LLC, Rasier-DC, LLC and Rasier-PA, LLC are subsidiaries of Uber.

12 4. In order to request and pay for third-party transportation services via the
13 Uber App, riders must first register with Uber by creating an account. An account can be created
14 from the company's website: <https://get.uber.com>. Alternatively, an account can be created from
15 within the Uber App itself.

16 5. In the normal course of its business, Uber maintains records regarding when and
17 how its riders register. As an Engineering Manager I have access to these registration records, and
18 I am familiar with these records and the manner in which they are updated and maintained. At the
19 request of counsel, I reviewed the registration records and was able to identify the date and
20 method by which Jacob Sabatino registered for Uber: Mr. Sabatino registered on July 27, 2014
21 via the Uber website (with either a computer, tablet or through the web browser on his
22 smartphone).

23 6. To confirm the process by which a rider created an Uber account through the
24 company's website on July 27, 2014, as Mr. Sabatino did, I accessed historical screenshots of
25 Uber website's registration page, which I have access to in my role as Engineering Manager. Uber
26 maintains these historical screenshots of its website registration page in the ordinary course of
27 business. Attached hereto as **Exhibit A** is a true and correct screen shot of the Uber website's
28 registration page as of July 27, 2014.

1 7. The process for creating an Uber account through the company's website on July
2 27, 2014 required riders to input the following data in fields contained on a single webpage: name,
3 mobile phone number, email address, password, language, credit card information, postal code,
4 and promotion code (if any). Upon completing these fields, riders would then create an account
5 by clicking the blue sign-up button at the bottom of the webpage. A prospective rider cannot
6 complete the registration process without clicking the blue button.

7 8. The following notice was visibly displayed on Uber website's registration page,
8 directly above the blue sign-up button: "By clicking 'Submit' below, you are agreeing to the Uber
9 Terms and Conditions and Privacy Policy." The phrases "Uber Terms and Conditions" and
10 "Privacy Policy" in this notice were displayed in blue text, indicating that they are hyperlinks.

11 9. When the “Terms and Conditions” hyperlink was clicked, the relevant Terms and
12 Conditions then in effect were displayed.

14 I declare under penalty of perjury that the foregoing statements are true and correct.

16 || Dated: March 20, 2015

By: Abhay Vardhan
Abhay Vardhan